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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,740	10/29/2003	Yutaka Yamana	H9876.0054/P054-B	6706
24998 7590 01/03/2007 DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER TORIMIRO, ADETOKUNBO OLUSEGUN	
			ART UNIT	PAPER NUMBER
			3709	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/694,740

Applicant(s)

YAMANA ET AL.

Examiner

Adetokunbo O. Torimiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/29/2003, 04/12/2004, and 10/26/2006.

DETAILED ACTION

1. The Preliminary amendment filed on 10/29/2003 has been entered.

Claim Objections

2. Claims 7-10 are objected to because of the following informalities: Claims 7-9 are included in claims 5-9 already cancelled, and claim 10 depends on claim 7.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims do not require any physical transformation and the invention as claimed does not produce a useful, concrete, and tangible result. As it appears, the claim is doing nothing more than a method of data processing comprising acquiring time, synchronizing time, and processing data without any physical embodiments involved.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1: the limitations “the delay time” and “said plurality of respective devices” in line 4, the limitation “said plurality of devices” in line 6, and the limitation “each device” in line 7 all have insufficient antecedent basis for the limitations. The limitation “the time” in line 6 of the claim is unclear and ambiguous as to what time is being referred to in the claim. The limitation “each device” in line 7 of the claim is unclear and ambiguous as to what device is being referred to in the claim. The limitation “the delay time” in line 4 and the limitation “said measured delay times” in line 5 of the claim are unclear and ambiguous as to how a singular “delay time” in line 4 can be between “plurality of respective devices”, and how this singular “delay time” becomes a plurality “measured delay times” in line 5.

Re claim 3: the limitations “the count value” in lines 3-4. There is insufficient antecedent basis for these limitations in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Callaghan (US 5,820,463).

Re claim 1: O'Callaghan discloses a method of data processing between a plurality of computer game devices connected through a communication network (**see fig. 3; col.3, lines 39-41**), comprising the steps of: measuring the delay time between said plurality of respective devices (**see col.3, lines 1-6**); acquiring the longest time of said measured delay times (**see col.6, lines 48-64**); synchronizing the time that is counted by said plurality of devices (**see col.4, lines 44-47**); and processing each data transmitted from each device on the elapse of the longest time of said delay times from the time of transmission of each data in said plurality of devices (**see col.4, lines 23-27**).

Re claim 2: O'Callaghan discloses the method of data processing wherein said data / *matrix* comprises information as to the time of transmission, and when said data is received, said processing step recognizes when said longest time has elapsed by using the difference of said time of transmission and the time which it has counted itself (**see fig. 11; col.3, lines 1-6 and col.4, lines 23-27**).

Re claim 3: O'Callaghan discloses the method of data processing wherein said synchronizing step comprises the steps of transmitting from one device of said plurality of devices to another device the count value of said one device (**see col.4, lines 54-57**);

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and stopping count incrementation temporarily in another device so that the difference of its own count value and the received count value becomes the delay time with respect to said one device (see col.4, lines 48-53).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Callaghan (US 5,820,463) in view of James et al (US 5,964,660). The teachings of O'Callaghan have been discussed above.

Re claim 4: O'Callaghan teaches the method of data processing.

However, O'Callaghan fails to teach the method of data processing wherein said data includes information as to the number of players operating a device and information corresponding to the operations of each player; and said processing step recognizes the length of said data by using said information as to the number of players.

James et al teaches the method of data processing wherein said data includes information as to the number of players operating a device and information corresponding to the operations of each player; and said processing step recognizes the length of said data by using said information as to the number of players (see col.9, lines 38-42).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the number of players in the data processing so that the amount of time and delay time based on the number of players can be processed thereby improving data processing of the network game and improving the utility of the game in the process.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sarbin et al discloses a game machine data transfer system utilizing portable data units; Shur et al discloses a sports team organizer; Goldberg et al discloses a network gaming system; Walker et al teaches method and system for adapting gaming devices to playing preferences; Eberhardt et al discloses a video lottery system with improved site controller and validation unit.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1006.

AOT



KIM NGUYEN
PRIMARY EXAMINER